

REMARKS

Claims 47-96 were rejected in an Office Action dated September 25, 2007. Claims 47, 58, 59, 68, 88, 92, and 96 have been amended; claims 56 and 57 have been cancelled without prejudice or disclaimer to the subject matter contained therein. No new matter has been added by this amendment. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Information Disclosure Statement

In accordance with the Provisions of 37 CFR §§1.97, 1.98 and MPEP §609, Applicant is enclosing herewith the JP11346810 reference and figures, to supplement the already filed translation of said reference.

Claim Objections

Claims 58, 59, and 96 have been amended to delete the term --zip -- and in its place insert the term "zipper".

Claim 68 has been amended to recite "main fastening device" thereby providing antecedent basis.

Claims 56 and 57 have been objected to as suggesting that the garment of claims 56 and 57 is intended to be both waterproof and waterpermeable. To expedite prosecution of this case, claims 56 and 57 have been cancelled. Applicants reserve the right to prosecute all or a portion of the cancelled subject matter in a later filing.

Claim 88 has been objected to as being unclear as to what is meant by the phrase "which is arranged between the ventilating relation to the ventilating material." To clarify the claimed invention, claim 88 has been amended to delete --between the-- and insert in its stead "in a".

Claim Rejections – 35 USC §102

Claims 47, 48, 50-55, 58-62, 64, 68, 69, 86-92 and 96 have been rejected as being anticipated by Rindle (US2003/0172435). Applicants respectfully traverse this rejection and request reconsideration in view of the following:

At the outset it is respectfully pointed out that claims 47 and 92 have been amended to clarify that the Applicants' present claims are drawn to a garment with a ventilating means, said garment comprising a main fastening device. The fastening device of the Applicants' claims refers to the garment, not the ventilating means.

- A. Rindle does not teach a garment with a ventilating means (11d, 11e), comprising a main fastening device (11c).

At paragraph [0008] of Rindle, the application clearly discloses that the invention concerns a garment including an outer envelope provided with closure elements, wherein it has an inner carrying system constituted of an inner envelope distinct from the outer envelope with closure elements separate from those of the outer envelope. At paragraph [0021] of Rindle, the application describing Figure 1 goes on to say that the jacket primarily comprises a flexible outer envelope 1, with a front opening 3 as disclosed in paragraph [0022].

At paragraph [0026] of Rindle, the application further describes Figure 1, in that the carrying system 10 includes a flexible envelope 11 separate from the outer envelope or jacket 1 and arranged within the latter. Hence, it is not 11c, that is the main fastening device of the garment (1), but rather 3. This is also clearly stated in paragraph [0034].

11c is the fastening device of the inner envelope, which further does not serve as a ventilation means as claimed by the Examiner, but rather as a carrying system (although this may also be made up of a mesh or breathing material - [0040] and [0041]).

- B. Further, the fastening device (11c) does not join mutually opposing garment edges of two garment pieces as required by the claims at issue. It merely joins the opposing edges of two pieces of the carrying system. As clarified by the above recited amendments, the Applicants' fastening device (11c) joins the ***two pieces of the main garment and not the carrying system***.

The Examiner has incorrectly suggested that the inner envelope 11 of the carrying system 10 of Rindle corresponds to Applicants' ventilating means and that the outer envelope (garment) 1 acts as Applicants' cover strip, with the fastening device 3 of the outer envelope

corresponding to Applicants' supplementary fastening device (see page 4 of the Office Action). This is not an accurate interpretation, as set forth *supra*, the inner envelope is a carrying system, not a ventilating means and the fastening device 3 is the main fastening device not a supplementary fastening device.

Even assuming *arguendo*, that the inner envelope were to be taken as a ventilating means and 11c as the main fastening device, then "... the second longitudinal side of at least one of the two side stringers of the main fastening device is [not] joined to the associated garment edge via a ventilating material forming a ventilating means . . .", in contrast to what the Examiner suggested. The side stringers of 11c are joined to the inner envelope, which goes right around the body and envelopes it as a cylindrical shape [0027]. The inner envelope edges are not joined to the garment edges. The inner envelope is merely fixed at its upper end to the inner surface of the outer envelope (garment) [0031]. This can also be seen in Figure 3.

Further, the covering strip of the present invention would then be made up of the entire outer envelope in Rindle, which could hardly be termed a "strip". The Examiner maintains that it is the fastening device (3), which is the covering strip; but I think here too, it would be incorrect to deem the fastening device as a covering strip.

Withdrawal of this rejection and allowance of the claims at issue are respectfully requested.

Claim Rejections – 35 USC §103

Claims 47, 49, 56, 57, 63, 65-67, 70-85, and 92-95 have been rejected under 35 USC 103(a) as being unpatentable over Auman (US 5,159,719) in view of Fujisawa (JP 11346810A).

The Examiner admits that Auman fails to teach side stringers attached to the garment via ventilating material forming a ventilating means so that the inner side of the garment is accessible to ventilating air even when the main fastening device is closed and wherein further, the supplementary fastening device is joined to the associated garment edge (Figure 2).

Similarly, Fujisawa fails to supply the necessary teachings of side stringers attached to the garment via ventilating material.

Referring now to point 10 of the Office Action, on page 10, the Examiner claims that Fujisawa teaches two side stringers having ventilation means. This is correct only in as far as Fujisawa teaches simple side stringers that have holes cut into them. Fujisawa does not teach that the side stringers of the main fastening device are joined to the associated garment edge via a ventilating material forming a ventilating means as required by the present claims. In Fujisawa, the stringers themselves take over the ventilation due to the holes in them. They are not joined to a ventilating material, which is then joined to a garment edge as required by the instant claims. Furthermore, there is no reason or motivation to suggest joining the stringers to a ventilating material as the stringers do not require the material for ventilation.

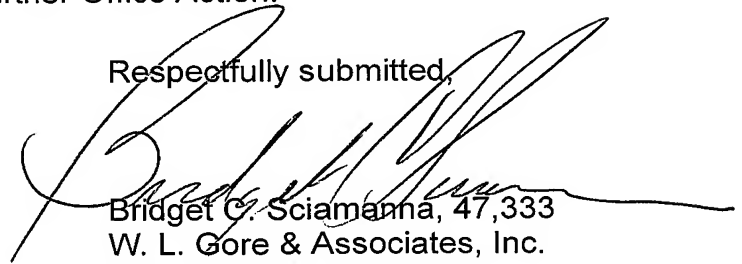
Thus, the combination of Auman and Fujisawa fails to teach all of the limitations of the claimed instant invention, and cannot be held to suggest or anticipate the present invention.

Withdrawal of this rejection and allowance of the claims at issue are respectfully requested.

Conclusion

For the foregoing reasons, the present invention as defined by claims 47-55 and 58-96 are neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



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